

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8
Serial No: 10/006,041 Group Art Unit: 1647
Filed: December 06, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF AUDREY GODDARD, Ph.D. UNDER 37 CFR 1.131

I, Audrey Goddard, Ph.D. do hereby declare and say as follows:

1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to August 14, 1998.
5. At the time the PRO1244 polypeptide was cloned and sequenced I was responsible for overseeing the sequencing of novel polypeptides, including the PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.
6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of

the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.

8. Copies of the pages from the GSeqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSeqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSeqEdit database report and the location of the first nucleotide is marked with "^insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSeqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.
13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. Exhibit A clearly shows that both the full-length DNA-64883 sequence and the full-length PRO1244 polypeptide sequence disclosed in the above-identified application were obtained prior to August 14, 1998.
15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

A. Goddard
Audrey Goddard

6/17/04
Date

SV 2037583 v1
6/15/04 3:03 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8
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1. I am Senior Clinical Scientist at the Diagnostics, Development Sciences Department of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective filing date June 4, 1998).
4. I, along with other inventors of this application, conceived and reduced to practice the polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States prior to June 4, 1998.
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of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



Audrey Goddard

22 June 2004
Date

SV 2042357 v1
6/18/04 1:29 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8
Serial No: 10/006,041 Group Art Unit: 1647
Filed: December 06, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

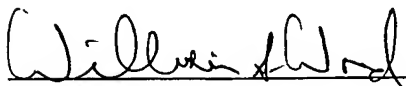
I, William Wood, Ph.D. do hereby declare and say as follows:

1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
2. I am one of the inventors of the above-identified application.
3. I have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent No. 6,525,174 (Young *et al.*, issue date February 25, 2003 and effective filing date June 4, 1998).
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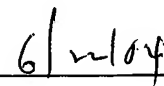
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of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



William Wood



Date

SV 2042358 v1
6/18/04 1:30 PM (39780.2830)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C8
Serial No: 10/006,041 Group Art Unit: 1647
Filed: December 06, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
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1. I am Director and Staff Scientist at the Department of Bioinformatics, of Genentech, Inc., South San Francisco, CA 94080.
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William Wood
William Wood

6/1/04
Date

SV 2037583 v1
6/9/04 1:21 PM (39780.2830)

Exhibit A
to Declarations of Audrey Goddard and William Wood under 37 CFR 1.131
GSeqEdit Database Report

```

>[REDACTED]
>DNA64883 [Full]
>510 Sites [All Sites]
>[REDACTED] DNA64883 wiw GSeqEdit
>[REDACTED] DNA64883 zemin GSeqEdit
>[REDACTED] DNA64883 goddarda GSeqEdit
>[REDACTED] DNA64883 sheldens GSeqEdit
>HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen
>human ortholog of implantation-associated protein - Rattus

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nlaIII mslI
mslI
styI
ncoI
dsal tseI
btgl/bstDSI fnu4HI/bsoFI
bstXI bbvI
bsaJI hinPI
tsp4SI hhaI/cfoI
bsmAI maeIII haeII hpy99I mnlI
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GCCTTAAGCC GAGCTCCTCG CTTGTACCGT CCGGCAACCG CCAAACCCAC ACAGAGACAC TGGTACCACC ACCGCGACGA GTAGCAAACG CTGCAAGGGA
1
M A A R W R F W C V S V T M V V A L L I V C D V P S
^insert starts here
^MET

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    GTCGAGACG GGTTCCTTTC TTCCTCTACC ACAATAGACT TTCCAATCA GTCGACTACC TTACCTGATT GTTTCTGGA CATTATTCTT ACTTACCTCT
27  A S A Q R K K E M V L S E K V S Q L M E W T N K R P V I R M N G D

hpy99I      tsp509I      nlaIII      tspRI      bst4CI/hpyCH4III      cac8I
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    GTTCAAGGCA GCGGAACACT TTCGGGGTGG CTCTTTAATG AGGCAATAGC AGTACAAGTG ACGAGAGGTT GACGTATCTG TCACACAGCA AACGTTTCGTT
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btsI

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mvaI
ecoRII[dcM-]
dsaV[dcM-]
bstNI
bssKI[dcM-]
apyI[dcM+]
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dpsII[dam-]
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ecoRI pflMI[dcM-]
apoI bslI[dcM-]
mboII hpy188III
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93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

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    apoI      ecoNI
    nlaIII    aluI
hpy188I      bslI      hphI      ndeI      maeIII    acII
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127 V F Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]
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    celII/espi    hpaII    mboI/ndeII[dam-]
    blpI/bp1102I scrFI[M.hpaII-]
    aluI      nciI      dpnII[dam-]
    pvuII      dsav      dpnI[dam+]
    mspAII/nspBII bssKI alwI[dam-]      sspI
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CCCCAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGCTG TCTTGACTAC AGTTATAATC TCACATAATCT GGGGGTTTAA TAGCACCAGG GGAATACAAC
160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

    aluI      aluI
    taqI      aluI
    sfiI      tseI
    bstBI      fnu4HI/bsoFI
    bsiCI      bbfI
    baeI      mboII mboII      apoI      mseI      bsrI      mwoI hpyCH4V
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193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

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[illegible]

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nlaIV       rsal
avaII       bpmI/gsuI[dcM-]
tru9I       bsrI   csp6I
ppuMI       tspRI   scaI   tsp509I
aluI hpy188I mseI   eco0109I/draII
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TACCGATGGG TATGTCGAAA GACTACTCAA TTTTCCAGG GTCCTATAT ATCTGTGACC TCATGACCTT TAACTTTTGG CTTTTCAGC ACACAAACTT
327  G Y P Y S F L M S O

tru9I
mseI   tru9I
ahaII/draI   tru9I   mboII   mboII   tru9I   mseI
bsmI      mnlI      swaI   mseI   mboII   mboII   mseI
mboII hpyCH4V      mnlI      mnlI      mnlI      mnlI      mnlI      mnlI
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mnlI      mnlI      mnlI      mnlI      mnlI      mnlI      mnlI
dclI      bspCNI      hpy188I      mnlI      mnlI      mnlI      mnlI
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TAATATTTT AACATTTTGA TGATGAACA AAATCAATCT TGTTCGAGT TTTGATGAAA TCAATTGAAC CAGTAGACTA AAATATAACG GAATAGTTT
psII   tsp509I      aluI      hincII/hindII hpy188I      bslI
GSeqEdit, DNA64883 [Full], page 6

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 bssKI[dcn-]
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 foki
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tail

hgiAI/aspHI

bsp1286

bsiHKA I rmaI ddeI

hpy188I maeII/hpyCH4IV

eco57I aflIII maeI bspC

mboII bmyI btri bfaI mnli

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mboII bmyI btri bfaI mnli

hpy188I maeII/hpyCH4IV

eco57I aflIII maeI bspC

mboII bmyI btri bfaI mnli

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pleI
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mlyI
hinFI
bsmAI
bpmI/gsuI[dcn-]
hinPI ddeI
hhaI/cfoI bspCNI
bst4CI/hpyCH4III mnlI hpyCH4V
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TCGTCTGTGTC AACAAAGAGG AGGAGGAACG TATAAAGGAT GACGCGAGGT CGGACTCACT ATCTCACTCT GAGACAGAGT TTTTTCATCAT AGAGATTAT
tsp45I
hphI
tru9I maeIII
mseI bsteII
tsp509I
psiI smlI hincII/hindII hpaI xmnI hinfI
tsp45I
hphI
tru9I maeIII
mseI bsteII
1701 CAGGATTATA ATTTCTGCTT GAGTATGGTG TTAACCTACCT TGTATTTAGA AAGATTTCAG ATTCATTCCA TCTCCTTAGT TTTCTTTTAA GGTGACCCAT
GTCCTAATAT TAAAGACGAA CTCATACCAC AATTGATGGA ACATAAATCT TTCTAAAGTC TAAGTAAGGT AGAGGAATCA AAAGAAATTT CCACTGGGTA
dde
ddeI[M.aluI-] maeIII haeIII/palI
aluI tspRI nlaIII
tsp509I maeIII
1801 CTGTGATAAA AATATAGCTT AGTGCTAAA TCAGTGTAACTTATACATGG CCTAAAATGT TTCTACAAAT TAGAGTTTGT CACTTATTCC ATTGTACCT
GACACTATT TTATATCGAA TCACGATTTT AGTCACATTT AATACTGACC GGATTTTACA AAGATGTTTA ATCTCAACA GTGAATAAGG TAAACATGGA

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ecoRII[dcM-]
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bstNI
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pspGI
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ecoRII[dcM-] tsp45I
dsaV[dcM-] maeIII
bstNI hinPI
bssKI[dcM-] tspRI
pleI bsII[dcM-] hhaI/cfoI
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hinFI apyI[dcM+] btsI
dclI bspCNI
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dclI bspCNI
styI cac8I
mboI/nd
dpmII[d
dpmI[da
mnlI bsaJI
nmlI bsaJI
CGGTTCGT
CGTCTAGTG
bssS
hpy18
sau3AI

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